

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

MINUTES

Water Pollution Control Authority October 27, 2010

In attendance:

Jeanine Maietta Lynch, Chairman (arrived 7:45 p.m.)
Paul Kallmeyer, Vice Chairman
Ennio DeVita (arrived 7:50 p.m.)
Laura Pulie
Jack Goncalves
Karen Egri, Alternate
Timothy Hampford – not in attendance

Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator
Stephen M. Savarese, PE/LS, Town Engineer
John Marsilio, Director of Public Works
Daniel Nelson, Chief of Staff
Dennis Kokenos, Esq., Town Attorney (arrived 7:40 p.m.)
Fred Mascia, Tighe & Bond, Project Manager
John Braccio and Christine Kurtz, Wright-Pierce

Paul Kallmeyer, Vice Chairman, called the meeting to order at 7:35 p.m.

The Vice Chairman stated Chairman Jeanine Lynch will be late and until she arrives Commissioner Karen Egri will be voting. The Commission has a quorum for voting purposes.

The Vice Chairman acknowledged the residents in attendance and invited them to speak.

MOTION made (Commissioner Goncalves) 2nd (Commissioner Engri) to open the floor for public discussion. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Owen Evans, 93 Skyview Drive. He came forward and stated he has a request for change of the lateral.

No one else came forward.

MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to close the public part of the meeting. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Motor vehicle accident – sewer project: Glenn Byrnes, deputy chief of operations from the Trumbull Police Department was present. He stated he reviewed the motor vehicle accident of September 15, 2010 at Hillandale Terrace and Round Ridge Trail. It involved a school bus and a parked vehicle near a Mark IV construction site and the bus driver was cited for an improper turn. He is not sure that this accident has any relevance to the construction that was nearby.

MINUTES TO PREVIOUS MEETINGS:

September 29, 2010 the following corrections were requested: Page 7, item number 4, line 4 says John Braccia should be John Block from Tighe & Bond; Page 6 line 27 says North Avenue should be North Street; Page 6 line 31 says cast and place should be cast in place.

MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to approve the Minutes of September 29, 2010 as amended. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

September 22, 2010 the following corrections were requested: Page 6 line 4 it says blatant defects and should be latent defects.

MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Pulie) to approve the Minutes of September 22, 2010 as amended. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

PROGRESS REPORT:

Fred Mascia of Tighe and Bond gave the following report:

The paving on Shelton Road has started and will be completed shortly. He gave a brief summary of where the crews are working and stated Mark IV will be pulling some crews in the near future. He passed out a map and graph showing the released areas and Mark IV's construction timeline.

Commissioner Lynch arrived at 7:45 p.m. and Commissioner Egri will no longer be voting.
Commissioner DeVita arrived at 7:50 p.m.

INVOICE APPROVAL:

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #14 in the amount of \$858,301.92. The issues of police and traffic controls in work areas were brought up. Conditions of the roads, detour signs, sediment and erosion control were addressed.

MOTION made (Commissioner Kallmeyer) 2nd (Commissioner Lynch) to approve application number 14 in the amount of \$858,301.92. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS:

Wright-Pierce – Update:

John Braccio and Christine Kurtz were present and John Braccio addressed the Commission and gave a project status update which included what they've done to date and highlighted discussions they've had with the DEP. They submitted and summarized the Draft Infiltration & Inflow Study report they prepared. He stated they are would like comments and feedback regarding the report and an implementation schedule. He also addressed the next steps, flows (now and projected for the future), pump stations, phasing, expansion of the sewer system, and grant money. Discussion took place regarding the condition of the sewer system and private II sources or illegal connections including sump pumps and leaders and gutters. He also stated at this time they are not prepared to discuss the waste water feasibility study. The Commission requested a special meeting be held to discuss dealing with illegal connections.

Tighe & Bond pavement evaluation proposal:

John Marsilio, Director of Public Works was present regarding Tighe & Bond's proposal regarding pavement coring program. He summarized the need for this study and the reasons for the request. Fred Mascia explained the current process and the differences between that process and what the Public Works Director is asking for with this proposal. Lengthy discussion took place regarding whether or not this should be a project cost or a Town cost, road paving including overlay, permanent paving, and reasons why this \$17,595.00 study is needed. More discussion followed on different payment options such as using the 20 or 59 accounts, making it part of the assessment, making it a part of Tighe & Bond's contract and include it in the scope of services, having the Public Works Department obtain the funds, or making it a Town cost. Dan Nelson explained procedure for using funds from the 20 account. Attorney Kokenos explained portions of the Town Code relating to sewer construction, fees and assessments and what charges are allowed to be part of assessments. He also stated the 59 account is a construction account and read a portion of the statute for clarification.

MOTION made (Kallmeyer) 2nd Goncalves that the WPCA take \$17,595.00 from the 59 account for purposes of this program so it happens quickly on the condition that the Town reimburse the 59 account after supplemental appropriation. Commissioner Kallmeyer withdrew his motion and Commissioner Goncalves withdrew is second.

MOTION made (Kallmeyer) 2nd (Goncalves) to approve the expansion of the scope of services for the on call engineering and inspection services under the RFQ for Tighe & Bond to expand that scope of services for pavement coring program in the amount of \$17,595.00 with the expectation that the Town will reimburse Contract IV for these expenses.

Discussion took place regarding what happens if supplemental is denied. Commissioner Goncalves withdrew his second and motion failed for lack of a second. Attorney Kokenos again addressed issues regarding the Town Code, Statutes and the 59 account.

MOTION (Lynch) to approve the expansion of the scope of services for the on call engineering and inspection services under the RFQ for Tighe & Bond to expand the scope of services for payment coring program in the amount of \$17,595.00 with the expectation that the Public Works Director will try to get a supplemental appropriation and reimburse the 59 account and in the event such supplemental appropriation is denied that the \$17,595.00 would be part of the construction costs in the 59 account. No second – motion fails.

Further discussion took place regarding supplemental appropriations and reimbursement. John Marsilio indicated he would request reimbursement from the appropriate boards and commissions to fund the ancillary paving that is the Town's responsibility based on the study.

MOTION made (Kallmeyer) 2nd (Pulie) to approve the expansion of the scope of services for on call engineering and inspection services under the RFQ for Tighe & Bond to expand the scope of services for the pavement coring program in the amount of \$17,595.00. Discussion. THREE IN FAVOR (Lynch Pulie, DeVita) TWO OPPOSED (Kallmeyer, Goncalves). MOTION CARRIED.

Tighe & Bond Value Engineering Report:

Changes in the engineering design and additional homes being put on pump systems are some of the items addressed in the report. This item was tabled and will be put on the Agenda for the special meeting.

Talat Fattaha, 52 Colonial Drive

Attorney Kokenos stated he sent a letter to Talat Fattaha and she must comply with the requests stated in the letter. He is awaiting her response and will diary this for 30 days. Joe Solemene stated she was informed if she agrees with the stipulations in the letter she would be allowed to connect. Mr. Marsilio stated he was included in a discussion with Ms. Fattaha and she knows she has to pay the assessment and she was going to send the Commission a letter requesting she pay in accordance with the 18 or 20 year assessment payment schedule. Joe Solemene explained the payment procedures for small amounts.

Mark IV – Submitted for approval 9/16/2010 – Application No: 28 – Contract III final payment – return of \$100.00 remaining retainage (tabled at the September 29th meeting):

Dennis Kokenos suggested this item be taken off the agenda until such time as he says to put it back on the agenda and the Commission agreed.

Mark IV – Change Order R-6 (tabled at the September 29th meeting):

Fred Mascia stated the reason for the additional charge for this change order is the methodology needed in making the connection because they had to core drill into the manhole to insert the pipe.

MOTION made (Lynch) 2nd (Kallmeyer) to approve change order R-6 from April 16, 2010 Partridge Lane to tie into existing manhole in the amount of \$450.00. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV – Change Order R-14 from May 12, 2010 additional costs for pump station as a result of the changes provided in revised drawings S-1, P-120, P-121, M-1, E-1, E-2, & E-3 letter dated 6/23/2010 reduced it from \$175,081.61 to \$169,716.32 (tabled at the September 29th meeting):

MOTION made (Kallmeyer) 2nd (Lynch) to move change order R-14 until after the executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mark IV – Change Order R-15 from July 29, 2010 additional costs for pump station as a result of the changes provided in revised drawings S-1, P-120, P-121, M-1, E-1, E-2, E-3 & D-5 in the amount of \$6,027.91 (tabled at the September 29th meeting):

Fred Mascia indicated this change order was for additional electrical work.

MOTION made (Kallmeyer) 2nd (Goncalves) to move change order R-15 until after the executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Update - Easement – 449 Shelton Road:

Attorney Kokenos stated this is done we have the easement and it has been filed.

Up-date – Easement Hilltop Circle, State of Connecticut:

Attorney Kokenos recapped previous meeting discussions, the Motion the Commission approved, Statute 7-247, the appraisal and his conversations with the State of Connecticut.

MOTION made (Kallmeyer) 2nd (Goncalves) that the WPCA authorizes the Town Attorney to acquire the Hilltop Circle parcel for \$22,000.00 plus \$1,000.00 administrative fees. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Commissioner Kallmeyer inquired about the previous request from Madeline Fromageot. He stated it is too costly and adds an undue burden on this project and he would not approve it and other Commissioners agreed.

NEW BUSINESS:

MOTION made (Kallmeyer) 2nd (Lynch) that the agenda item 495 Hawley Lane sewer connection be moved up to the top of the agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

495-Hawley Lane – sewer connection:

Robert Camillo of OWI contractors was present and he stated they are currently constructing an office building on the Stratford side of Hawley Lane. He requested to tie 495 Hawley Lane into the Trumbull sewer line that is 50 feet away from the property line otherwise the alternative is to relocate the sewer line 840 feet down the street through solid ledge to tie into the Stratford side of the line. Butterworth and Scheck applied for permit number 9379 and it is subject to pending approval from the WPCA. He stated Trumbull addresses 799 Silver Lane and 80 Hawley Lane are connected into the Stratford side of the system. He stated the Town of Stratford is aware of this request and he believes they are willing to reopen the dialog with Trumbull. Commissioner Kallmeyer offered to act as intermediary with Stratford. Discussion took place regarding the terms of Trumbull's contract with Bridgeport. He submitted plans for review and detailed what would have to be done if this tie in approval is not granted.

MOTION made (Pulie) 2nd (Goncalves) to move the lateral discussion to the next item on the agenda. No discussion ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Laterals: - Fred Mascia – gave a brief history on each of the following:

93 Skyview Drive: Fred checked with Mark IV and the lateral has not been installed only the T-Y is installed and there will be an additional cost for installing another T-Y. Owen Evans, 93 Skyview Drive was present and he submitted a picture of his property indicating where the lateral is going to be installed and where the lateral should be installed. Discussion took place regarding location decisions, changes made in the field, and homeowner contact. Mr. Evans said the equipment will be moved soon and wants this issue resolved prior to that time. He also informed the Commission that the location was marked with red paint and it appears Mark IV missed it. The Commission agreed to install the additional T-Y and Fred will instruct Mark IV to install it at the new location.

The Chairman called a short recess at 10:35 p.m.

The Chairman reconvened the meeting at 10:45 p.m.

40 Green Ridge Road:

Different opinions on location between husband and wife. Price is needed for the additional T-Y.

90 North Street: Bid documents showed it was already hooked up to the sewer and it is not and it is not on the Plan. Needs T-Y and lateral and may need pump. Commission agreed this needs to be done.

640 Shelton Road: Last house in Trumbull and was forgotten in this Contract. Extending the main down Shelton Road is not recommended it will be a pump system and a force main. Fred will get a price and schedule the work.

528 Booth Hill Road: T-Y was installed in the correct location and the lateral was not put in where it was shown on the Plan to avoid trees. A new T-Y is needed.

531 Booth Hill Road: On the Plan the lateral is shown on the right side of the property. The homeowner refused to have it put in because they want it on the left side of driveway. The Commission did not agree to extend the lateral.

47-49 Old Green Road: Laterals for this location are not shown on the original design Plan. This site consists of a 2 lots with a house on one lot. Discussion took place regarding depths of the laterals, laterals in this area, procedures, elevations and homeowner concerns and requests. More information is needed before the Commission can decide this matter. The Commission indicated a policy should be set and made the following motion.

MOTION made (Kallmeyer) 2nd (Pulie) that the policy of the Commission is:

- a. that we serve the first floor of dwelling by gravity, if possible, not the basement;
- b. that lateral should be run just over the property line.

No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Kallmeyer) to move item number 7 the executive session up on the agenda. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION:

MOTION made (Lynch) 2nd (Kallmeyer) to close the regularly scheduled meeting of the WPCA for October 27, 2010 and move into executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to move into executive session in which the WPCA will discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth by 1-210 relating to the following: Update – North Nichols pump station revisions which were tabled at the September 22, 2010 meeting - change order decision. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The room was emptied except for Commissioners, Joe Solemene, Steve Savarese, Fred Mascia, Attorney Kokenos, Dan Nelson, and John Marsilio. The recorder was turned off and the Clerk and videographer also left the meeting at 11:20 p.m.

The Clerk was called back into the room and the recorder was turned on at 11:45 p.m.

MOTION made (Lynch) 2nd (Kallmeyer) to close item number 7 the executive session and to state that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Lynch) 2nd (Pulie) to reopen the regularly scheduled meeting of the WPCA for October 27, 2010. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussion- Mark IV project schedule:

Fred Mascia passed out a bar graph showing Mark IV's schedule. It shows 3 crews laying main line pipe installation until December 2011. He stated it appears Mark IV will go past the contract date and result in additional costs. He believes March 2012 is the end of the Mark IV's contract period and according to this schedule it will most likely go until August 2012. Further discussion regarding the schedule took place and the proposed projected time frame for Ms. Framoget's area was mentioned.

MOTION made (Lynch) 2nd (Kallmeyer) to go out of order to address the items under Old Business change orders R-14 and R-15 which we moved to discussion when we came out of executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Change orders R-14 and R-15 were tabled until the next WPCA regularly scheduled meeting.

Discussion – request for account to be used for the hiring of an outside accountant to determine the value of the WPCA #59 and #20 accounts:

The Chairman stated a previous motion was approved to start the RFP process to hire an accountant. Dan Nelson commented on the audit the Town is having done and inquired if the WPCA wanted to wait until it was completed. The Commission agreed to continue with the process that was already voted on and the account payment will come from will be addressed later.

Discussion – Owens, Shine & Nicola, P.C. – Revisit the motion to approved \$15,000.00 as a retainer:

Questions arose regarding the account the money is coming out of. Some of the issues addressed were whether the \$15,000.00 should be included as a project, construction or assessment cost, arbitration/litigation, and previously projects related problems.

MOTION made (Pulie) 2nd (Lynch) to rescind the motion made at the September 29, 2010 meeting which stated that the fee of \$15,000.00 would come from the bond account and have it changed to come out of the 20 account. Discussion followed regarding arbitration, 20 account and costs to this project that other contracts did not have. No vote was taken.

MOTION made (Kallmeyer) 2nd (Lynch) to amend the amendment from the 20 account to the 59 account. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION AS AMENDED. FOUR IN FAVOR (Lynch Pulie, DeVita, Goncalves) ONE OPPOSED. (Kallmeyer). MOTION CARRIED.

Discussion – Owens, Shine & Nicola, P.C – Retainer Agreement:

Number 1 in the agreement refers to item numbers 57 and 58 and it was requested to change it to 57 through 63 and Attorney Kokenos agreed to the change. It was also requested that throughout the document the Town and/or WPCA be referred to as the Town of Trumbull WPCA.

MOTION made (Lynch) 2nd (Kallmeyer) to approve Retainer Agreement dated October 21, 2010 from Owens, Schine & Nicola, P.C. to the Town of Trumbull WPCA for arbitration against Mark IV Construction with the changes we discussed. Including but not limited to items 57 through 63, adding to the signature page the Town of Trumbull and WPCA and to be consistent throughout the document when referring to the Town of Trumbull it should be the Town of Trumbull WPCA. Discussion. ALL IN FAVOR MOTION CARRIED UNANIMOUSLY.

Discussion – Owens, Shine & Nicola, P.C – Invoice #10958 and Invoice #10955:

Where the money is coming from was questioned. Invoice 10958 is from the previous Contract and Invoice #10955 is for the current project. Attorney addressed the two invoices - He stated the issue of easements is a project cost and is paid from the assessments. The assessments for Contract 3 have been set so the Commission has to make a decision on how to pay the invoice pertaining to those sewer assessments. The Chairman stated the options for invoice #10958 is payment from the 20 or 59 account.

MOTION (Goncalves) 2nd (Kallmeyer) to pay invoice #10955 in the amount of \$1,411.00 from bond money. Discussion. ALL IN FAVOR MOTION CARRIED UNANIMOUSLY.

MOTION (Lynch) 2nd (Kallmeyer) to pay invoice #10958 in the amount of \$2,941.00 out of the 59 account. Commissioner Lynch withdrew the motion and Commission Kallmeyer withdrew his second.

MOTION (Lynch) 2nd (Pulie) to pay invoice #10958 in the amount of \$2,941.00 out of the 20 account. FOUR IN FAVOR (Lynch Pulie, DeVita, Goncalves) ONE OPPOSED (Kallmeyer). MOTION CARRIED.

Attorney Kokenos noted for the Commission that the invoice was related to what he did for the sewer assessments and the same procedures should be followed when it is time to set the assessments for Contract 4.

MOTION made (Lynch) 2nd (Goncalves) to close the regularly scheduled meeting of October 27, 2010 at 12:35 a.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

Joyce Augustinsky
Clerk of the Commission